COCP NO. 353 OF 2006

* * *

PRESENT**:** Mr.Pankaj Jain, Advocate for the Petitioner
Mr.R.D.Sharma, DAG Haryana

* * *

Learned State counsel seeks more time to file reply on behalf of the newly added respondents.

In the interest of justice and as a last opportunity, adjourned to 6.2.2006.

Meanwhile, reply, if any be filed.

(Surya Kant)
Judge

December 04, 2006

arya

C.R. NO. 4290 OF 2004

* * *

PRESENT**:** None

* * *

Case has been called twice. No one appears on behalf of the petitioner. On the last date of hearing, learned counsel for the petitioner was not present.

Dismissed for non-prosecution.

(Surya Kant)
December 04,2006 **Judge**

arya

C.R. NO. 1079 OF 2006

* * *

PRESENT**:** Mr.S.K.Sharma, Advocate for the petitioner.
Mr. Sukant Gupta, Advocate for respondent No.1
Mr.Sameer Sachdeva, Advocate for respondent No.2

* * *

As requested by the learned counsel for the respondents, adjourned to 15.2.2007.

Meanwhile, reply, if any be filed.

(Surya Kant)
December 04,2006 **Judge**

arya

C.O.C.P. NO. 1077 OF 2006

* * *

PRESENT**:** Ms.Tanisha Peshawaria, Advocate for the petitioner.
Mr.R.S.Khosla, Advocate for respondent No.1
Mr.H.S.Sidhu, Advocate for respondent No.2

* * *

As requested by the learned counsel for the respondents, adjourned to 20.2.2007.

Meanwhile, reply, if any, be filed.

(Surya Kant)
December 04,2006 **Judge**

arya

C.O.C.P. NO. 1076 OF 2006

* * *

PRESENT**:** Mr.Sarbjet Khaira, Advocate for the petitioner.
Mr.V.K.Shukla, Advocate for the respondent

* * *

As requested by the learned counsel for the respondent, adjourned to 20.2.2007.

Meanwhile, reply,if any, be filed.

(Surya Kant)
December 04, 2006 **Judge**

arya

C.O.C.P. NO. 943 OF 2006

* * *

PRESENT**:** Mr.Munish Bhardwaj, Advocate for the petitioner.
Mr.Ashish Rawat, Advocate for
Mr.Anupam Gupta, Advocate for respondent No.1

* * *

Though as per the Office report, notice sent to respondent No.3 has not been received back. However, a letter addressed by respondent No.2 to the Registrar has been received and the same is taken on record.

On the perusal of the aforesaid letter, there is absolutely no justification to adjourn the proceedings for a date beyond 16.1.2007.

Adjourned to 12.12.2006.

Meanwhile, respondent No.1 may place on record the notification regarding the declaration of the result of the petitioner.

(Surya Kant)
Judge

December 04,2006

arya

C.O.C.P. NO. 906 OF 2006

* * *

PRESENT**:** Mr.S.K.Bharwaj, Advocate for the petitioner.

* * *

As per the report, notice to respondent No.1 has not been received back whereas notice sent to respondent Nos. 2 and 3 have been received back with the report that no such person is working in the Office.

As requested by the learned counsel for the petitioner, adjourned to 5.2.2007 to enable him to file correct address of respondent Nos. 2 and 3.

(Surya Kant)
Judge

December 04, 2006

arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 908 of 2006
Date of Decision: 4.12.2006

Lune Kumar and others ***.....Petitioners***

Versus

Onkar Singh and another ***.....Respondents***

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.M.L.Puri,Advocate,for the petitioners.
Mr.Narender Hooda,Advocate,for the respondents

* * *

Surya Kant,J.

In response to show cause notice, affidavit of S.K.Kashiv, Executive Engineer, Central Stores, Haryana Vidut Prasaran Nigam Ltd., Vidyut Nagar, Hisar has been taken on record.

As per the averments made in the affidavit, operation of the judgment passed by this Court which is the subject matter of this contempt proceedings has been stayed by Hon'ble the Supreme Court vide order dated 21.7.2006, a copy of which has been appended as Annexure R-2/1.

In this view of the matter, this petition is disposed of with liberty to the petitioners to file a fresh petition, if so required, or after the decision in the matter.

Rule discharged.

(Surya Kant)
Judge

December 04,2006
arya

C.O.C.P. NO. 769 OF 2006

* * *

PRESENT**:** Mr.J.V.Yadav, Advocate for the petitioner.
Mr.R.N.Raina, Advocate for the respondents
Mr.G.S.Cheema, Sr.DAG Punjab

* * *

After hearing the learned counsel for the parties for some time and as a interim measure, the Principal Secretary, Higher Education Department as well as the Director Public Instructions (Colleges), Punjab and Mr. Malkiat Singh, Principal,Drawing and Disbursing Officer of the College are directed that as an interim measure, the next installment of grant in aid shall not be paid to the College in the month of December, 2006 and or thereafter. The entire amount of the installment which is stated to be due in December, 2006 shall be disbursed to the petitioners in equal shares towards their retiral benefits. However, if the installment of grant in aid is more than the undisputed claim of the petitioners, such excess amount of grant in aid may be disbursed to the College-Management.

Adjourned to 18.1.2007.

Let a copy of this order duly signed by the Court Secretary be handed over to the learned Senior DAG Punjab for information and compliance.

(Surya Kant)
Judge

December 04, 2006

arya

C.O.C.P. NO. 95 OF 2006

* * *

PRESENT**:** Mr.S.K.Lamba, Advocate for the petitioner.
Mr.Arun Walia, Advocate for the respondent

* * *

As requested by the learned counsel for the respondent, adjourned to 20.2.2007.

Meanwhile, reply, if any, be filed.

(Surya Kant)
December 04, 2006 **Judge**

arya

C.O.C.P. NO. 76 OF 2006

* * *

PRESENT**:** None for the petitioner.

* * *

On March 9, 2006, a show cause notice was issued to the respondents. However, notice could not be issued as the process fee was not filed.

On August 8,2006, the case was adjourned for today and it was directed that if process fee is filed within one week, notice shall be issued to the respondents for the adjourned date. As per the Office report, notice could not be issued as process fee has not been filed.

It appears that the order passed by this Court has since been complied with by the respondents and as such the petitioner is not keen to proceed with this contempt which is dismissed for non-prosecution with liberty to file fresh one if so desired.

Rule discharged.

(Surya Kant)

December 04, 2006 **Judge**

arya

C.O.C.P. NO. 1553 OF 2005

* * *

PRESENT**:** Mr. M.S.Yadav,Advocate.
Mr.R.D.Sharma, DAG Punjab

* * *

It is stated by the State counsel that the impugned orders have already been withdrawn by the authorities subject to their right to file S.L.P.

In this view of the matter, this petition is rendered infructuous and is disposed of accordingly.

Rule is discharged.

(Surya Kant)
Judge

December 04, 2006

arya

C.O.C.P. NO. 1076 OF 2006

* * *

PRESENT**:** Mr.Sarbjet Khaira, Advocate for the petitioner.
Mr.V.K.Shukla, Advocate for the respondent

* * *

As requested by the learned counsel for the respondent, adjourned to 20.2.2007.

Meanwhile, reply be filed.

(Surya Kant)
December 04, 2006 **Judge**

arya

C.R. NO. 2119 OF 2006

* * *

PRESENT**:** Mr.Ajay Kaushik,Advocate.
Mr.Amit Rawal,Advoate.

* * *

There is a written request for adjournment.

Adjourned to 18.12.2006.

It is made clear that irrespective of any request, no further adjournment shall be granted and the case shall be taken up for hearing on the date fixed.

(Surya Kant)
Judge

December 04, 2006

arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 908 of 2006
Date of Decision: 4.12.2006

Lune Kumar and others ***.....Petitioners***

Versus

Onkar Singh and another ***.....Respondents***

Coram: ***Hon'ble Mr.Justice Surya Kant***

Present: Mr.M.L.Puri,Advocate,for the petitioners.
Mr.Narender Hooda,Advocate,for the respondents

* * *

Surya Kant,J.

(Surya Kant)
Judge

December 04,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 73 of 2006
Date of Decision: 4.12.2006

Krishan Lal ***.....Petitioner***

Versus

The Chairman,Punjab State Warehousing Corpn. ***.....Respondent***

Coram: ***Hon'ble Mr.Justice Surya Kant***

Present: Mr. D.K.Bhatti, Advocate for the petitioner.
Mr.Gurminder Singh,Advocate,for the respondent

* * *

Surya Kant,J.

This contempt petition has been filed, inter-alia, alleging non-compliance of the order dated May 26,2006 in CWP No. 8411 of 2005 vide which respondent No.1, namely, Chairman of the Punjab State Warehousing Corporation was asked to take a decision in appeal filed by the petitioner.

In response to the show cause notice, Mr.Gurminder Singh, learned counsel for the respondents has handed over a photo copy of the order dated 29.11.2006 whereby the appellate authority has disposed of the petitioner's appeal.

In view of the fact that the directions issued by this Court have been complied with by the respondent, this petition is disposed of with liberty to the petitioner to impugn the order passed by the appellate authority before appropriate forum, if so advised.

Rule discharged.

(Surya Kant)
Judge

December 04,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 589 of 2006
Date of Decision: 4.12.2006

Brahm Prakash Pathak .....Petitioners

Versus

Jarnail Singh,Chief Engineer/
Drainage & Canals and another .....Respondents

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.D.S. Bali, Senior Advocate,
Mr. D.V.Gupta, Advocate for the petitioners.
Mr. G.S.Cheema, Sr.DAG Punjab

* * *

Surya Kant, J.

The petitioner filed CWP No. 1956 of 2003 which was allowed on 9.8.2004 in terms of the decision dated 28.3.2003 passed in CWP No. 7615 of 2001 (Jai Krishan Batish vs. State of Punjab and others) as a result of which the petitioner became entitled to the pay admissible to the post of Superintendent Grade I till he retired from the service.

In response to show cause notice (which was issued on 16.5.2006), a short affidavit has been filed by Sh. V.K.Mantrao, Chief Engineer/Canals, Irrigation Works, Punjab Chandigarh. In the aforesaid affidavit, it is averred that vide order dated 18.9.2006 (Annexure R1), the petitioner's pay has been fixed as Superintendent Grade I with effect from 2.3.1998 till he retired on 31.12.1998. It is further averred that the

petitioner's case for revised pension has already been sent to the Accountant General, Punjab vide Memo dated 19.9.2006.

From the above noticed dates, there can be no escape but to hold that the respondents are, prima facie, guilty of willful disobedience of the order dated 9.8.2004 passed by this Court, referred to above, and it was only after issuance of show cause notice in these contempt proceedings, that the petitioner's pay has been refixed as Superintendent Grade I and the case of refixation of his pension has been sent to the Accountant General. There is not even a whisper what to talk of satisfactory explanation for the inordinate delay of the directions, more so when the delay has caused avoidable harassment to a retired employee.

However, in view of the fact that the petitioner can be suitably compensated in monetary terms, I am inclined to take a lenient view in the matter.

Consequently, this petition is disposed of with a direction to the Chief Engineer/Drainage and Canals, Irrigation Works, Punjab, to pay interest to the petitioner on the arrears, to which the petitioner is entitled, on account of refixation of his pay, at the rate of 9% per annum with effect from 1.10.2004 till 30.9.2006. In addition, the petitioner shall be paid costs of Rs.5000/-. The arrears of interest as well as costs shall be paid to the petitioner within a period of two months from today, failing which the petitioner shall be entitled to get these proceedings revived. It will be open for the Principal Secretary to Government of Punjab, Department of Irrigation to fix the responsibility of the officers/officials who are responsible for the delay caused in compliance of the Court direction and recover the arrears of interest and cost from such

guilty officers/officials.

Rule is discharged.

(Surya Kant)
Judge

December 04,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 897 of 2006
Date of Decision: 4.12.2006

Panna Ram ***.....Petitioners***

Versus

Jayoti Arora and others ***.....Respondents***

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.Jagbir Malik,Advocate,for the petitioner.
Mr.Narender Hooda,Advocate,for the respondents

* * *

Surya Kant,J.

Reply-affidavit of B.S.Dahiya, Executive Engineer, Sub Division, Uttar Haryana Bijli Vitran Nigam Ltd. filed in Court and the same is taken on record.

This contempt petition has been filed alleging non-compliance of the order dated 2.3.2006 whereby the respondents were directed to take a decision on the legal notice served upon them by the petitioner by passing a speaking order within two months. Along with affidavit by respondent No.4, he has appended order dated 21.4.2006 and 18.11.2006 (Annexures R4/1 and R4/2) whereby the petitioner's claim contained in the legal notice has been disposed of.

In view of the fact that the directions issued by this Court has been complied with, this petition is disposed of with liberty to the petitioner to impugn the above stated order before an appropriate forum, if so advised.

Rule discharged.

(Surya Kant)
Judge

December 04,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 898 of 2006 in
CWP No.2458 of 2006
Date of Decision: 4.12.2006

Hawa Singh ***.....Petitioner***

Versus

Jayoti Arora and others ***.....Respondents***

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.Jagbir Malik,Advocate,for the petitioner.
Mr.Narender Hooda,Advocate,for the respondents

* * *

Surya Kant,J.

Reply-affidavit of B.S.Dahiya, Executive Engineer, Sub Division, Uttar Haryana Bijli Vitran Nigam Ltd. filed in Court and the same has been taken on record.

This contempt petition has been filed alleging non-compliance of the order dated 20.2.2006 whereby the respondents were directed to take a decision on the legal notice served upon them by the petitioner by passing a speaking order within two months. Along with affidavit by respondent No.4, he has appended order dated 21.4.2006 and 18.11.2006 (Annexures R4/1 and R4/2) whereby the petitioner's claim contained in the legal notice has been disposed of.

In view of the fact that the directions issued by this Court has been complied with, this petition is disposed of with liberty to the petitioner to impugn the above stated order before an appropriate forum, if so advised.

Rule discharged.

(Surya Kant)
Judge

December 04,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 1520 of 2005
Date of Decision: 4.12.2006

Narayan Vihar Vikas Samiti ***.....Petitioner***

Versus

Ms.Urvashi Gulati & others ***.....Respondents***

Coram: ***Hon'ble Mr.Justice Surya Kant***

Present: Mr.N.S.Shekhawat,Advocate,for the petitioner.
Mr.R.D. Sharma, DAG Haryana

* * *

Surya Kant,J.

This contempt petition has been filed, inter-alia, alleging non compliance of the order dated March 2,2005 passed by this Court in CWP No. 16738 of 2004.

Vide the aforesaid, a direction was issued to the respondents to re-look into the matter as to whether or not the petitioner satisfies the condition of setting up of a Health Centre and/or provision of water supply. In response to the show cause notice, affidavits have been filed by respondent Nos. 1 and 3. Learned State counsel submits that the affidavit of respondent No.2 was also filed. However, the same is not on record though a photocopy of the same has been handed over by him for perusal of this Court.

From the stand taken in the affidavits, it appears that the steps to open a sub Health Centre in village Akera which also covers the Narain Vihar have already been taken.

Similarly, the State Govt. has already prepared an estimate amounting to Rs. 33.60 lacs for providing water supply scheme to

the area of Narain Vihar and in order to provide the water supply, one tubewell has already been drilled and machinery is under installation. The second tubewell could not be drilled as no land was provided by the Gram Panchayat, Akera.

After hearing the learned counsel for the parties, and having regard to the fact that the funds earmarked by the state for carrying out the development activities in rural areas are necessarily required to be utilized proportionately for development of all the villages, and keeping in view the fact that the respondents are already alive to the issue of basic amenities to be provided to the inhabitants of Narain Vihar, no further action is required to be taken in this contempt petition which is accordingly disposed of.

Rule discharged.

(Surya Kant)
Judge

December 04, 2006
arya

COCP NO. 1078 OF 2006

* * *

PRESENT**:** Mrs. Abha Rathore, Advocate for the Petitioner
Mr. Narender Hooda, Advocate

* * *

Reply on behalf of the respondent is taken on record.

Learned counsel for the petitioner seeks time to argue the matter.

Adjourned to 13.02.2007.

(Surya Kant)
Judge

December 04, 2006

arya